

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

William Jay Hammons

Petitioner,

v.

Civil Action No. 05-718***

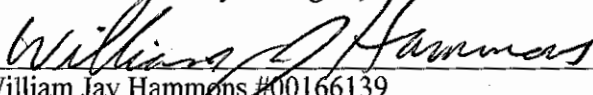
Thomas L. Carroll, Et. Al.,

Respondent.

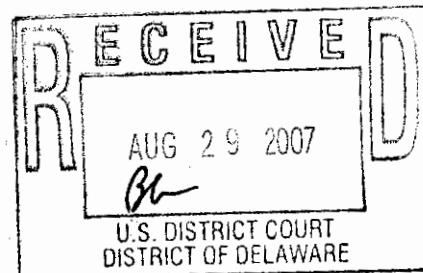
NOTICE OF MOTION

Please take notice, that the enclosed motion for EXPANSION OF RECORD will be presented to this honorable court at the earliest possible convenience.

Submitted this 28 day of August, 2007.



William Jay Hammons #00166139
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

William Jay Hammons)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 05-718***
)	
)	
Thomas L. Carroll, Et. Al.,)	
)	
Respondent.)	

MOTION FOR EXPANSION OF RECORD

Comes now, the petitioner, William Jay Hammons, pro-se, and pursuant to rule # 7 of the rules governing 2254 actions and requests that the record in this case be expanded to include the following documents and for the good cause that shall hereafter be shown. In support of this the petitioner argues that the following documents are nessasary in order for this Honorable court to more thoroughly decide the merits of the claims before it. These documents are as follows:

1). TRIAL STIPULATION- This stipulation was entered in regards to a pubic hair found in the underwear of the alleged victim. The Respondants argue that the acronym D.N.A. was used in this stipulation to say that it did not match petitioners DNA, Petitioner however argues that this acronym was not to be found anywhere on this stipulation, had it been there is a resonable probability that he would have finished his trial instead of pleading out.

2). AFFIDAVIT OF PETITIONER- This affidavit alleges the aforementioned stipulation never used the acronym D.N.A..

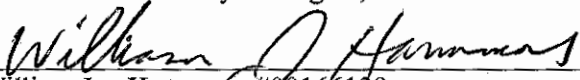
3). AFFIDAVIT OF PETITIONER- This affidavit alleges that trial counsel refused to dicuss trial strategy with petitioner and eliminated the States DNA expert mid-trial without the

petitioners prior knowledge or consent.

4). DNREC REPORT- This report was taken by officer John T. Wales, (a DNREC officer), who had taken the statement of a victim in a similar incident involving the same modis operandi just four days prior to the incident in which petitioner is charged and in the exact same area. Petitioner has never seen this report even though it is well established by the States own supplemental documentation that this report contained exculpatory evidence. (The alleged victim in this incident described her attacker as being between 19 and 25 years of age with blonde hair but petitioner was 36 years old at the time and has very dark brown hair). A-154 This document is needed at this time to show it's relavancy to petitioners defense and trial counsels ineffectiveness for not discussing it's contents with petitioner, supplying him a copy, or securing this alleged victim and DNREC officers testimony for trial. In fact counsel never spoke to either of these people which shows that he was more than willing to throw away valuable exculpatory evidence in an effort to coerce petitioner into pleading.

5). AFFIDAVIT OF PETITIONER- This affidavit alleges that petitioner was never advised by the court or by his attorney that he had the right to subpoena witnesses.

Submitted this 28 day of August, 2007.


William Jay Hammons #00166139
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

Certificate of Service

I, William Jay Hammons hereby certify that I have served a true and correct copy(ies) of the attached Motion for expansion of record w/three affidavits upon the following parties/persons:

To: Thomas L. Carroll

Delaware Department of
Corrections

1181 Paddock RD. 19977

To:

To:

To: Elizabeth R. Mcfarlan

Dept. Of Justice

820 N. French St.

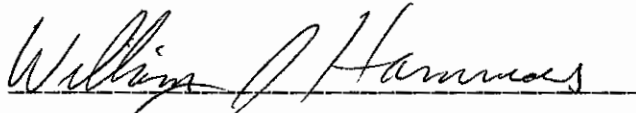
Wilmington, DE. 19801

To:

To:

BY PLACING IN A SEALED ENVELOPE, and depositing same in the United States Mail at the Delaware Correction Center, Smyrna, DE 19977.

On this 28 day of August, 2007



William Jay Hammons
SBI # 00166139

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

William Jay Hammons,
Plaintiff,

v.

Thomas L. Carroll,
Defendant.

Civil Action No. 05-718***

AFFIDAVIT

I, William Jay Hammons, being first duly sworn, depose and says: The stipulation I signed at trial with regards to the pubic hair found in the alleged victims underwear never used the acronym D.N.A. nor did it identify the sexual orientation of this hair.

Subscribed and sworn to before me this 24 day of August,
2007.

William J. Hammons
William Jay Hammons, Affiant

Timothy J. Warts
Notary Public

My Commission Expires: June 14, 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

William Jay Hammons,
Plaintiff,

v.

Thomas L. Carroll, Et. Al,
Defendant.

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Civil Action No. 05-718***

AFFIDAVIT

I, William Jay Hammons, being first duly sworn, depose and says: That prior to and during trial my assigned trial counsel Andrew J. Witherell refused to discuss trial strategy with me and approximately two weeks prior to trial counsel advised me, after much arguing on my part, that he would call the States D.N.A. expert to testify in my behalf but was in fact conspiring with the State to eliminate this witness mid-trial without ever discussing this move with me and I was totally taken by surprise at trial when my assigned counsel made this move and agreed to eliminate this witness.

Subscribed and sworn to before me this 24 day of August,
2007.

William Jay Hammons
William Jay Hammons, Affiant

Timothy J. Marts
Notary Public

My Commission Expires: June 14, 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

William Jay Hammons,
Plaintiff,

v.

Thomas L. Carroll, Et. Al.,
Defendant.

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Civil Action No. 05-718***

AFFIDAVIT

I, William Jay Hammons, being first duly sworn, depose and says: That I was never advised by the court or by my assigned counsel that I had the right to subpoena witnesses in my behalf at my trial or prior to that time.

Subscribed and sworn to before me this 24 day of August,
2007.

William Jay Hammons
William Jay Hammons, Affiant

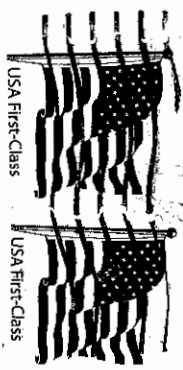
Timothy J. N/arts
Notary Public

My Commission Expires: June 14, 2008

IM William Jay Hammons
SBI# 166139 UNIT D/E
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

Office of The Clerk
United States District Court
844 N. King Street, Lockbox 18
Wilmington, DE. 19801-3570

U.S.M.S.
X-RAY



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